

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 14, 2003

DIVISION ONE

B164153 Alan (Certified for Publication)
v.
Superior Court, Los Angeles County
(UBS Painewebber Inc., et al., r.p.i.)

Let a peremptory writ of mandate issue, commanding respondent court to (1) vacate its order granting the motion to compel arbitration and the motion to stay the action and proceedings and (2) conduct further proceedings consistent with this opinion. Petitioner is entitled to costs in connection with this proceeding.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B155853 Kakar, et al. (Not for Publication)
v.
Vineyard Apartments, et al.

The judgment is affirmed. Vineyard shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

August 14, 2003 (Continued)

DIVISION TWO (Continued)

[illegible]

The part of the judgment imposing an additional sentence pursuant to section 667.5, subdivision (b) is reversed, and the cause is remanded for trial on the issue of whether appellant suffered the prior conviction and for resentencing. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B162929 People (Not for Publication)
v.
Nava

The judgment is modified to strike, rather than stay, the second enhancement under Penal Code section 667, subdivision (a). The clerk of the superior court is directed to correct the abstract of judgment and forward the corrected abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

DIVISION THREE

B159581 Doreece E. Artal (Certified for Publication)
v.
Susan Allen

The judgment is reversed and the matter is remanded to the trial court with directions to reinstate the action. Artal shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B150912 City of Burbank, et al. (Certified for Partial Publication)
B151175 v.
B152562 State Water Resources Control Board, et al.

The judgments are reversed with directions to the superior court to enter new judgments consistent with this opinion granting the petitions for writ of mandate and directing Regional Board to comply with the statements of decision previously filed by the superior court with the exception of those sections of the statements of decision headed "Required Factor Analysis," "Narrative Toxicity Standards and Alter Quality Criteria," "Compliance Schedules and Permit Modifications," and "Administrative Procedures Act," and also excepting the first sentence of the section headed "CEQA" and that part of the section headed "Order" vacating the Thime Schedule Orders and requiring compliance schedules in the permits. Burbank's and Los Angeles's appeals from the orders denying attorney fees are dismissed as moot. Water Boards are entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B163636 Los Angeles County, D.C.S. (Not for Publication)
v.
Mechele T.

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

August 14, 2003 (Continued)

DIVISION THREE (Continued)

[illegible]

The order revoking probation, continuing Robert J. as a ward of the juvenile court and ordering Robert J. suitably placed is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B157388	People v. Bell	(Not for Publication)
B163206	In Re Rudolph Bell on H.C.	

The judgment is modified to strike the \$200 fine imposed pursuant to section 1203.097 and to award Bell 331 days of presentence custody credit consisting of 288 days of actual custody and 43 days of conduct credit. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B164228 People (Not for Publication)
v.
Floyd

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

August 14, 2003 (Continued)

DIVISION THREE (Continued)

B164487 People (Not for Publication)
v.
Quevedo

The judgment (order granting probation) is reversed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B164487 People (Not for Publication)
v.
Quevedo

The judgment (order granting probation) is reversed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B162145 People (Not for Publication)
v.
Martinez

Three of the one-year prior prison term enhancements are vacated. The finding that Martinez's 1992 aggravated assault conviction constituted a prior serious felony conviction for Three Strikes purposes is vacated, and that issue is remanded to trial court for retrial. As modified, the judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

August 14, 2003 (Continued)

DIVISION THREE (Continued)

B152618 People (Not for Publication)
v.
Reese, et al.

Defendants' convictions for carjacking (count 1) and attempted kidnapping (count 5) are vacated. Five of the six prior serious felony conviction enhancements imposed on Tate are vacated. As modified, the judgments are affirmed. As to both defendants, the case is remanded to the trial court for resentencing in conformance with this opinion. The trial court shall forward amended abstracts of judgment to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B155132 People (Not for Publication)
v.
Whitaker

Defendant's judgment of conviction is reversed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Curry, J. and S. Veverka, Deputy Clerk.

B158874 People v. Gamblin

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B164733 Roman
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Merits:
Argued by John J. Duran for petitioner and by Phyllis C. Asayama for real party in interest. Cause submitted.

B158230 Griggs
v.
Big Ticket Television, Inc., et al.

Merits:
Argued by David G. Jones for appellant and by Nicole A-J. Gustafson for respondents. Cause submitted.

B157725 Hartley
v.
Graham, et al.

Merits:
Argued by Jeffrey D. Diamond for appellants and by Kenneth R. Nahigian for respondent. Cause submitted.

B161030 People
v.
Venegas, et al.

Merits:
Argued by Mark L. Christiansen for appellant Venegas and by Stephen Gilbert for appellant Gomez and by Michael A. Katz for respondent. Cause submitted.

Court recessed.

August 14, 2003 (Continued)

DIVISION FOUR (Continued)

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B159037 People v. McGee
B165102 People v. Raya
B162328 People v. Basulto, et al.

Argument waived, cause submitted.

B164267 People
 v.
 Bell

Merits:
Argued by Edward J. Haggerty for appellant and by Steven D. Matthews
for respondent. Cause submitted.

B158562 People
 v.
 Gonzales

Merits:
Argued by David C. Read for appellant and by Laura J. Hartquist for
respondent. Cause submitted.

B162026 Special Investments, et al.
 v.
 Aero Air, Inc.

Merits:
Argued by Justin Ehrlich for appellants and by Philip L. Johnson for
respondent. Cause submitted.

DIVISION FOUR (Continued)

B160054 Renteria
v.
Gallo Insurance Agency, et al.

Merits:
Argued by Timothy J. Donahue for appellant and by J. Alan Warfield for respondents. Cause submitted.

B156509 Geller Construction, Inc., et al.
v.
Essex Insurance Company, Inc.

Merits:
Argued by Gary L. Tysch for appellants and by Heather L. Sullivan for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B158338 People (Certified for Partial Publication)
v.
Scott Stern

The judgment is affirmed.

Turner, P.J.

I concur: Armstrong, J.
I concur: Mosk, J. (opinion)

August 14, 2003 (Continued)

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B163222 Yei-Hwei Tong (Not for Publication)
v.
Rob Baker, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Deputy Clerk.

B162979 Girard v. Hilton

Argument continued to September, 2003.

B163135 Dodart v. Stone

Argument waived; cause submitted.

DIVISION SIX (Continued)

B161790 Galanter
 v.
 Oak Park Unified School Dist.

Merits:
Argued by Craig A. Horowitz for appellant and by Brenda L. McCormick
for respondent. Cause submitted.

B163978 Filippini
 v.
 Fuller

Merits:
Argued by Will Tomlinson for appellants and by Thomas Wire for
respondents. Cause submitted.

Gilbert, P.J. left the bench.

Perren, J. assumed the bench.

B166917 City of Simi Valley
 v.
 Ventura County Superior Court
 (Bayer, r.p.i.)

Mandate:
Presented by Karen Kristen Peabody for petitioner and by Donald W. Cook
for real party in interest. Cause submitted.

B162597 Godfrey
 v.
 California Youth Authority

Merits:
Argued by Gregory Thomas Lyall, staff counsel/Dept. of Personnel
Administration, for appellant and by Kimberly Y. Daniels for respondent.
Cause submitted.

DIVISION SIX (Continued)

B163529 Morales
 v.
 Maez

Merits:
Argued by Donna Bader for appellant and by Kathryn Albarian for
respondent. Cause submitted.

B159360 Tudman
 v.
 TV Fanfare Publications, Inc.

Merits:
Argued by Hernaldo Jose Baltodano for appellant, by Alan R. Zuckerman
for respondent TV Fanfare Publications, Inc. and by Martin K. Deniston for
respondent Rosenthal. Cause submitted.

Court recessed at 11:25 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B158425 People v. Ballek & Randazzo
B161828 People v. Dachino
B162247 People v. Starr
B162672 People v. Speech
B164032 People v. Addison
B164120 People v. Julio V.
B164264 People v. Baioa

Argument waived, cause submitted.

B143261 People v. Ambriz

Argument continued to September, 2003.

DIVISION SIX (Continued)

B160074 People
 v.
 Papazyan

Merits:
Argued by Mark M. Kassabian for appellant and by Deborah J. Chuang, Deputy Attorney General, for respondent via video conference. Cause submitted.

B161052 People
 v.
 Luis P.

Merits:
Argued by Raimundo Montes De Oca, Deputy Public Defender, for appellant and by Victoria B. Wilson, Deputy Attorney General, for respondent via video conference. Cause submitted.

B160224 People
 v.
 Rodriguez

Merits:
Argued by Richard C. Gilman for appellant and by Beverly K. Falk, Deputy Attorney General, for respondent via video conference. Cause submitted.

B155138 People
 v.
 Moss

Merits:
Argued by Wayne C. Tobin for appellant and by Marc E. Turchin, Deputy Attorney General, for respondent via video conference. Cause submitted.

August 14, 2003 (Continued)

DIVISION SIX (Continued)

B163700 People
 v.
 Flamenco

Merits:

Argued by Juliet Schmidt, Deputy District Attorney, for respondent via video conference. Argument previously waived by appellant. Cause submitted.

B162137 People
 v.
 Osorio

Merits:

Argued by Mark S. Smith for appellant via video conference. Argument previously waived by respondent. Cause submitted.

Court adjourned at 3:05 P.M.

DIVISION SEVEN

B162197 City of Long Beach (Certified for Publication)
 v.
 California Citizens for Neighborhood Empowerment, et al.

The order is reversed, and the matter is remanded to the trial court with directions to enter an order denying respondents' motion to strike. Appellant to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.
 Munoz, J. (Assigned)

DIVISION SEVEN (Continued)

B161515 Los Angeles County, D.C.S. (Certified for Partial Publication)
v.
Marie R.,
In re S.H.

The portion of the July 18, 2002 order regarding Marie R.'s visitation with the children is reversed. In all other respects the order of July 18, 2002 sustaining the allegations of the petition and declaring the children to be dependents of the juvenile court is affirmed. The matter is remanded to the juvenile court to conduct a new hearing on the issue of visitation.

Perluss, P.J.

We concur: Johnson, J.
 Munoz., J. (Assigned)

DIVISION EIGHT

B163234 People
v.
Juan Espinoza
Bankers Insurance Company

B163236 People
v.
Juan Espinoza
Bankers Insurance Company

Filed order consolidating above captioned appeals.